

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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August 4, 2009

Memo To Counsel Re: L.J., et al. v. Ruth Massinga, et al.
Civil No. JFM-84-4409

Dear Counsel:

This will confirm, as we discussed during the conference held yesterday afternoon, that I will go forward with the class action approval hearing on August 5, 2009. However, in light of the fact that I will not be able to resolve responsibly the issues raised by the recent Supreme Court decision in *Horne v. Flores* on August 5, if I decide that, those legal issues aside, the settlement should be approved, I will defer giving final approval until the legal issues have been fully briefed and heard.

In that regard, I also understand that defendants intend to file a motion to vacate the existing consent decree based upon the *Horne* decision. During the conference we agreed upon the following schedule on the proposed motion to vacate:

September 3, 2009	Deadline for filing of motion to vacate
September 25, 2009	Deadline for filing opposition to motion to vacate
October 2, 2009	Deadline for filing reply in support of motion to vacate
October 9, 2009 9:30 a.m.	Hearing on motion to vacate and on final approval of the proposed class action settlement (if on August 5, 2009 I decide that the settlement should be approved subject to resolution of the <i>Horne</i> issues)

I will announce the schedule upon which we agreed at the hearing to be held on August 5. If anyone present at the hearing objects to the schedule, we will, of course, reconsider the schedule.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge